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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/289,327 04/08/99 SAMPSELL

J KLR:7146.021

EXAMINER

MM92/0831

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MARK
ART UNIT

PAPER NUMBER

2873
DATE MAILED:

08/31/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/289,327

Applicant(s)

SAMPSELL ET AL.

Examiner

Ricky L Mack

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 32-37 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 17-20, 23-25, 27, 38, 40-42, 44, 45 and 124 is/are rejected.
- 7) ☒ Claim(s) 7, 9-13, 15, 16, 21, 22, 26, 28-31, 39, 43 and 46 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 5.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings have been objected to by the Draftsperson (See attached PTO-948) under 37 CFR 1.84 or 1.152 as indicated on the NOTICE RE PATENT DRAWINGS, PTO-948.

CORRECTION IS REQUIRED.

2. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

3. Figures 1-3B and 9-14B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The disclosure is objected to because of the following informalities: On page 19, the brief description of the drawings does not make reference to figures 3B and 14B.

Appropriate correction is required.

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Claim Objections

6. Claim 32 contains a period in line 7, which is not at the end of the claim. Correction is required. See MPEP 608.01(m) Form of Claims:

>The claim or claims must commence on a separate sheet and should appear after the detailed description of the invention.< While there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim", "The invention claimed is" (or the equivalent). If, at the time of allowance, the quoted terminology is not present, it is inserted by the clerk. Each claim begins with a capital letter and ends with a period. ***Periods may not be used elsewhere in the claims except for abbreviations.*** See *Fressola v. Manbeck*, >36 USPQ2d 1211< (D.D.C. 1995). ** >Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation, 37 CFR 1.75(I).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6, 8, 14, 17-20, 23-25, 27, 38, 40-42, 44 and 45 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kurematsu et al. (5267029).

Kurematsu discloses (see figure 1), as in claims 1-6, 8, 14, 17-20, 23-25, 27, 38, 40-42, 44 and 45, a light source that generates a light beam having at least two light components, comprising a converter (12), an optics array (see figure 1) capable of separating said light beam into at least one light component polarized differently than another light component, said optics array has at least one dichroic filter (see 11 for example).

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Regarding claims 2-4 and 42, Kurematsu disclosing a polarization converter having the structure claim, is believed to inherently teach the limitations regarding etendue as claimed.

Regarding claims 17-19, see light components at projection lens (1) in figure 1.

Allowable Subject Matter

9. Claims 7, 9-13, 15, 16, 21, 22, 26, 28-31, 39, 43 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 32-37 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim(s) 32 and dependent claims 33-37, wherein an optical system comprises polarizing beam splitters and a dichroic filters arranged in X-shaped configuration along with a light source, projection system and projection lens, as claimed.

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the dependent claim(s) listed below, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The limitations of dependent claims 7, 9-13, 15, 16, 21, 22, 26 and 28-31 are objected to and are found to be allowable because the limitations cited therein combined with intervening claimed limitations are not taught by the prior art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky L Mack whose telephone number is (703) 305-6984. The examiner can normally be reached on Monday-Friday (6:30 AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (703) 308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RM
August 29, 2000


RICKY MACK
PRIMARY EXAMINER